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OFFICE OF PETITIONS

In re Application of :
Caren H. Baker, et al. :
Application No. 09/645,279 :
Filed: August 24, 2000 :
Attorney Docket No. EMPIR-020PUS :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 26, 2002 and supplemented on December 23, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed October 12, 2000. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 13, 2000.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), it will be interpreted as the required statement. Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

In view of the general authorization to charge any additional fees due, the \$65 surcharge as set forth in 37 CFR 1.16(l) for the late filing of the declaration will be charged to Deposit Account No. 50-0845.

The Verified Statement Claiming Small Entity Status of December 23, 2002, has been made of record and small entity status has been accorded.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy